

A bill to create the county of Atascosa; and
 A Joint Resolution, appropriating \$5,548 70 to meet certain expenditures made for the Penitentiary.

Also, a bill, originating in the House, to authorise John H White, a minor, to take charge of his estate, and transact business as though he were of full age.

ORDERS OF THE DAY.

The report of the committee on the Judiciary, on a bill for the relief of the Texan creditors of the German Emigration Company, and to quiet the titles to lands of the colonists, their representatives and assignees in Fisher & Miller's colony, offering a substitute therefor, was read and substitute adopted.

Mr Palmer offered the following amendment :

In Sec. 3, after the word "land," in 2d line, insert "within the limits of said colony, in the same manner as their premium certificates, and any other lands." Adopted.

On motion of Mr Weatherford, the Senate adjourned until 9 o'clock to-morrow morning.

SENATE TUESDAY, JANUARY 22d, 1856

The Senate was called to order, by the President. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate of the passage of the following bills originating in the Senate.

A bill to legalize the official acts John H. Smither as clerk District court of Bowie county.

A bill for the purchase of a site and the erection of a Store and warehouse and for other purposes.

A bill donating one league of land to Mrs. Elizabeth Crocket.

A bill supplementary to an act to define the time of holding the District courts in the thirteenth Judicial District.

A bill to confirm the titles of certain pre-emption settlers within the limits of Peters' Colony.

A bill for the relief of the heirs of Elizabeth Jones, and A bill to incorporate Lagrange Lodge No. 30 of the Independent Order of Odd Fellows. Also informing the Senate that the House had concurred in the Senate's amendments to the following bills :

A bill to incorporate the Henderson Female College.

A bill for the relief of Kindallis Bryan.

A bill to incorporate Walker Lodge No. 19 of the I. O. O. F., and has receded from their 2d amendment to A bill to incorporate the city of Marshall.

Also of the passage by the House of a bill to incorporate the Washington county Railroad company, originating in their body.

Mr Truehart from the committee on private land claims no. 1, to which was referred the petition of Isabel Seguin Y. Ruiz—reported a bill for her relief, recommending its passage.

A bill for the relief of Isabel Seguin Y. Ruiz; read first time.

Mr Grimes chairman of the committee on Finance, to which was referred a bill to amend the first Section of an act defining the duties of the State Treasurer, approved March 19th 1846, proposing to raise the bond of the State Treasurer from seventy-five thousand to three hundred thousand dollars, reported that the large amount of money now in the Treasury, requires an increase of the amount demanded by the existing law, and hence recommended the passage of the bill.

Mr Hill chairman of the committee on claims and accounts, to which was referred the petition of Wm. C. Miller, asking additional pay for services rendered the late Republic of Texas in 1836 and 7, reported the evidence insufficient to warrant the Legislature in granting such relief, and recommended its rejection.

Mr Taylor Cass, chairman of the committee on Public Debt, submitted the following report:

The committee on Public Debt, to which was referred the petition of Stephen Whitney, and find the petitioner prays the payment of a certain receipt, given by Samuel M. Williams, to John T. Mason, for one thousand dollars, on the 27th day of November 1835. The petitioner alleges that this money was loaned to Texas through her agent Mr Williams. But by a reference to the laws of the consultation of 1835 &c., we find that Mr Williams was not authorized to negotiate loans or transact business for Texas until January 1836. This purports to have been done in November 1835. Therefore he had no authority to act previously to 1836, and again, we find upon examination of the vouchers of Samuel M. Williams, nothing to prove that he even received this money, nor was it ever expended on account of Texas. All things considered, we think the prayer of the petitioner should not be granted.

Mr Whitaker chairman of the committee on private land claims no. 2, made the following reports:

The committee on private land claims no. 2, to which was referred the petition of John Campbell and Anthon Lemecol, on examination find from the certificate of Captain Gibson Kuykendall, and the affidavits of petitionerers, that they were members of the army in the spring of 1836, and left sick at Donahoe's on the Brazos with the measles, thereby being prevented from participating in the action of the 21st April 1836. The committee present the above statement and the accompanying bill for the consideration of the Senate.

A bill for the relief of John Campbell and Anthan Lemcool; read first time.

The committee on private land claims No. 2, have considered the petition of Louisa Nethery formerly Trent, and find from the evidence that she emigrated to Texas in 1835, as the widow Trent, with her child, a daughter, and has continued to reside in this State until the present time. They therefore instruct me to report the accompanying bill and recommend its passage.

A bill for the relief of Louisa Nethery; read first time.

Mr Pirkey from the committee on public lands, to which was referred, a bill requiring the Commissioner of the General Land Office to perform certain duties therein named, and A bill for the relief of Geo. W. Shelton, both originating in the House, reported the same back, recommending their passage.

Mr McCulloch chairman of the select committee appointed for the investigation of the situation of the Treasury Department, submitted the following report:

COMMITTEE ROOM, }
January, 20th, 1856. }

Hon. H. R. Runnels,

President of the Senate, and

To the Hon. H. P. Bee,

Speaker of the House of Representatives:

Your committees, appointed on the part of the Senate and House of Representatives, for the purpose of examining the situation of the Treasury Department, have acted jointly in the discharge of that duty, and ask leave to report:

That after the most rigid and strict examination under the resolution of the two Houses of the Legislature, we can say that every dollar with which the Treasurer is properly chargeable is on hand, safely deposited in the vaults of the Treasury, that the books are properly kept and so arranged that it is an easy matter to refer to any and every item upon them. The Committee had no reason to suppose that they would not find all the money on hand, but regarded it their duty to ascertain the fact beyond a doubt, which they have done by handling and counting every dollar of the money, and examining carefully the assets, and the correctness of the Treasurer's Report respecting these funds. Within the last two years several thousand dollars have been disbursed by that officer, and several millions have been in his hands, and we think it but justice to the Treasurer, Mr. James H. Raymond, to say that we think the money of the State in the hands of a safe man, and with the co-operation of the Comptroller, Mr. James B. Shaw, we are satisfied that

about three thousand dollars has been saved to the State by the sale of the interest coupons of the United States' indemnity bonds in this market, instead of sending an agent twice a year to Washington City to collect them, to say nothing of the risk the State would necessarily run in sending such agent after the money so great a distance with so many possibilities of loss.

You committee have also examined the office of the Comptroller, and find that the business of that office is performed with immense labor, is complicated, diversified to some extent, and that no one could perform its duties who was not well qualified, yet everything is so well arranged that those acquainted with its business can easily ascertain anything connected with it, and explain all of it to the satisfaction of others. This office with that of Auditor, operates as a check upon the Treasurer, and he cannot legally pay any money out of the Treasury without the warrant of the Auditor and Comptroller for the same, consequently, no money can be drawn from the Treasury improperly with any legal showing, unless connived at by both of those officers, as their books always correspond if the business is correctly transacted. The Comptroller has furnished the Committee with the following statement:

Total amount of Cash to be accounted for by James H. Raymond, Treasurer, on the 7th day of December, 1855, viz :

In U. S. Bonds for disbursement,	\$1,575,000 00
" " Special School Fund,	2,000,0000 00
" " General School Fund,	53,000 00

Total U. S. Bonds,	\$3,628,000 00
In specie for disbursement,	\$ 39,748,14
" Gen'l School Fund,	75,668,19
" Spec'l do. do.	114,529,71
" County Taxes,	13,198,84
" Fees of Asses'rs & Col.	802,56
" R. R. Tax Bexar Co.,	768 52
" Settlem't of Estates,	10,444,22
" Escheats,	230,40

Total Specie,	\$ 255,390 58
In promissory notes of estates, public debt,	1,025 21
Add the receipts for November,	2,264 49
" " " December to date,	28 10

Which makes a sum total of \$3,886,803 38
Comptrollers Office, Austin, Dec. 7th, 1855.

The above exhibits the amount and character of funds for

which the Treasurer, James H. Raymond, is this day accountable. He is entitled to an allowance for his disbursements from the 1st day of November last to this date. The Interest Coupons upon \$3,628,000 00 U. S. Bonds have been accounted for by him up to, and including those due on the 1st day of July, 1855. Any coupons still on hand come to him as specie.

Signed, JAMES B. SHAW, Comptroller.

To meet this the Committee found in the vaults of the Treasury:

In the U. S. indemnity bonds,	\$3,628,000 00
In Gold and Silver coin,	\$187,301,26
In receipts, pay of members to date,	18,599,50
In miscellaneous am'ts paid out,	5,321,58
In conting't expen's of Legislature	
to date,	3,547,97
In pay warrants for November,	10,078,64
In public debt,	4,915,42
In Treasury warrants for Dec.	29,044,01

Total in promiscuous funds,	\$258,808 38
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Which makes a grand total of \$3,886,808 38

We find that eight clerks are now constantly employed in this department, one in the Treasurer's Office, and seven in the Comptrollers Office. The Comptroller is by law required to compare the Assessors returns with the abstract of Titles furnished him from the General Land Office, as well as to furnish the Assessors of the various counties with a statement of the lands which are situated in their respective counties, owned by non-residents, upon which the taxes have not been assessed or paid and it appears that the abstract above alluded to cannot be furnished in due time by the Land Office, because the Comptroller has not a proper clerical force to put there for that purpose. We are therefore constrained to recommend that he be authorized to employ one draftsman and two additional clerks for one year, to enable him to have the abstract prepared, and the Assessors books compared with the same.

Under the present law, the fiscal year ends on the last day of October in each year, and the Legislature meets on the first Monday in November, once in two years. It will be remembered that all the officers of the State are required to make their reports to the Governor, and through him they are submitted to the Legislature; and it will be observed that there is now only a few days between the end of the fiscal year and the meeting of the Legislature, consequently the officers of this department cannot make their reports until some time after the

session of the Legislature has commenced. This, we think, ought to be altered, so that these reports could be made to the Governor in time for him to submit them to the Legislature at the beginning of the session, and in order to accomplish this end we respectfully recommend that the law be so changed as to make the fiscal year end on the last day of September instead of October.

We find that the officers of this department have been censured by some of our citizens respecting the course which they have pursued in disposing of the interest coupons before referred to in this report. This matter has been carefully examined into by your committee, by testing the value of the coupons in this market, by calling merchants and others before us, and by examining the books of S. M. Swenson, through whom most of them have been disposed of, and we are led to the conclusion that the prejudice has been created by improper impressions originating possibly from competition among merchants, traders, and others; and that there is no good grounds of complaint against the officers upon this subject, and can see no reason for advising any change respecting the manner of disposing of this species of our funds, so long as there is no loss to the State by discount upon them.

Your committee also find, upon a close examination of the appropriations by previous Legislatures for the construction and furnishing the State capitol, that the laws made the appropriations out of the United States bonds, or the proceeds thereof; these bonds are worth a premium of six per cent, and draw five per cent interest, which is payable semi-annually; and if an appropriation of \$100,000 was made out of the proceeds of these bonds, and the officers disbursing the money under that law was to put a construction upon it, that would carry the premium and interest with it, or the bonds with the interest and premium, instead of selling the bonds for the premium and retaining it with the interest in the Treasury, such appropriation would amount to \$106,000 by counting the premium alone, and if the money was not paid out immediately the interest would increase it at the rate of \$416,662 per month.— This construction was placed by the officers of this department upon the three appropriations made for the capitol, amounting by the laws to \$175,000. We find that the sum of \$184,227 08 has been paid out, except \$684 68, which is considered due to some of the contractors and will eventually be paid to them; and although from the books they show clearly that all of it has been paid out for the objects for which the original appropriation was intended by the Legislature that passed the law,

yet we are not prepared to agree with the officers in the construction which they have put upon the law, and although the State seems to have suffered no great wrong in this instance, we deem it our duty to call the attention of the Legislature to the matter, in order that when any appropriations are made from the Treasury hereafter, that the laws may be made so explicit that they cannot be misconstrued by any person.

We ask leave to present a bill for changing the fiscal year with this report, and recommend its passage.

All of which we most respectfully submit to the consideration of the Legislature.

H. E. McCULLOCH,
Chairman on the part of the Senate.
JOHN HENRY BROWN,
One of the House Committee.

I concur in the opinion of the majority of the committee, except as to the interpretation placed by them upon the act of appropriation of the United States Bonds for the construction of the capitol building. I have examined the Act of the Legislature making the appropriation with a good deal of care, and I am of opinion that it was the duty of the Treasurer, and that he could have been compelled to pay the bonds to the contractors without reference to their marketable value, and that not an act of appropriation of so much money, but a specific appropriation.

J. M. ARDREY,
One of the Committee.

Mr Pirkey, from the committee on public lands, made the following report:

The committee on public lands to which was referred a bill requiring the Commissioner of the General Land Office to patent certain School Lands, surveyed for Navarro County, have had the same under consideration. It appears that the lands were located and surveyed within the belt of country known as the Mississippi and Pacific Railroad reserve, but *before* the passage of the act making the reservation; that the field notes were not returned within the time prescribed by law, and that they cannot now be re-located under the act of 10th February 1850. The committee therefore, knowing the culpable negligence of the County Courts in having surveyed and patented the school lands of their respective counties, think the "little ones" should not be made to suffer in consequence of it. They therefore instruct me to return the bill, and recommend its passage.

Mr Russell, from the committee on engrossed bills, reported correctly engrossed.

A bill providing for a change in the Treasury fiscal year.

And a bill for the relief of Oling Pearson.

Mr Allen, chairman of the committee on enrolled bills, reported—

A bill for the relief of the Galveston and Red river Railway Company and supplementary to the several acts incorporating said Company.

A bill for the relief of C M Goolsby.

A bill conferring power on County Courts and town and city corporate authorities to establish quarantine regulations.

A bill to permit the city of Houston to levy a special tax for Railroad purposes.

And a joint resolution, appropriating \$5,548 70 to meet certain expenditures made for the Penitentiary; correctly enrolled—properly signed, and on yesterday presented to the Governor.

On motion of Mr Whitaker, a bill for the relief of Stephen F Sparks was taken up—read third time and passed.

On motion of Mr Pedigo, a bill for the relief of Elijah B Thomas and Elisha Thomas was taken up—read second time and ordered to be engrossed.

On motion of Mr Pedigo, the rule was suspended—bill read third time and passed.

On motion of Mr Wren, the motion to reconsider the vote rejecting a bill for the relief of the young men of Red River and Lamar counties, was taken up, and the vote reconsidered.

Mr Wren offered a bill to authorize the District Courts to issue land certificates in certain cases, as a substitute for the bill—adopted, and on motion of Mr Guinn, made the special order of the day for Friday the 25th inst., at 12 o'clock, M.

ORDERS OF THE DAY.

A bill for the relief of the Creditors and Colonists of the German Emigration Company, and indemnify said Company for lands given by the State to Colonists—being under consideration when the Senate adjourned on yesterday, was taken up.

On motion of Mr Russell, the Senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, Jan. 23rd, 1856.

The Senate was called to order by the President pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Grimes presented the petition of Francis W. Johnson referred to the committee on private land claims, No. 1.

Mr Lott presented the petition of Mary Waters; referred to the committee on the Judiciary.